

Notice of Allowability

Application No.

10/750,786

Examiner

Emanuel T. Voeltz

Applicant(s)

KATO ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on November 18, 2004.
2. ☒ The allowed claim(s) is/are 1 and 21-51.
3. ☒ The drawings filed on 02 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/14/04 & 11/1/04 | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |



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Examiner's Detailed Office Action

This action is in response to an amendment filed on November 18, 2004.

Claims 1-51 have been examined, of which claims 2-20 have been cancelled.

Information Disclosure Statements

The information disclosure statements (IDS) submitted on June 14, 2004 and November 1, 2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has fully considered the information disclosure statements.

Response to Arguments

Applicant's arguments (see amendment filed November 18, 2004), with respect to claims 1 and 21-51 have been fully considered and are persuasive. The rejection of claims 1 and 21-51 has hereby been withdrawn.

The terminal disclaimer filed on November 18, 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent 5,971,587 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

Claims 1 and 21-51 are allowable over the prior art of record.

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Correspondence Information

Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Emanuel Todd Voeltz** who may be reached via telephone at **(571) 272-3692**. The examiner can normally be reached Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. eastern standard time.

If you need to send an Official OR Non-Official (draft) facsimile transmission, please send it to **(571) 273-3692**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anthony Knight**, may be reached at **(571) 272-3687**.

Any response to this office action should be mailed to: **Director of Patents and Trademarks**
Washington, D.C. 20231.

Emanuel Todd Voeltz
Primary Patent Examiner
Art Unit 2121
United States Department of Commerce
Patent & Trademark Office



EMANUEL TODD VOELTZ
PRIMARY EXAMINER